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EXAMINER

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Continuation sheet

Continuation of 3. NOTE: Although the proposed amendments to the independent claims merely incorporate limitations from previously presented dependent claims, most of the remaining dependent claims do not incorporate the subject matter of these previously presented dependent claims in the amendment filed on 4/23/09. For example, dependent claim 3, which is dependent on claim 1, incorporates new limitations (claim 2 is incorporated into claim 1) that was not provided in the amendment filed on 4/23/09. Hence, for these remaining dependent claims, the proposed amendment raises new issues that would require further search and consideration. It is noted that the proposed amendment to claim 33 would overcome the 101 rejection to this claim and its depending claims.

Continuation of 11: Applicant's arguments have been considered, but they are not persuasive.

With respect to claims 1-5, 8-10, 12 and 13, Applicant's argues that the prior art does not disclose the limitation "said direct link is closed after said communication is delivered" because both Gray and Aravamudan merely disclose terminating a channel when the session ends. See Remarks, Pgs. 14-15. This argument is not persuasive because Applicant is providing a narrow interpretation of the claims that is contrary to

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Applicant's earlier interpretations of the aforementioned limitation. On pg. 11 of the Remarks, filed on 10/13/09, in order to establish priority to US Patent No. 7,124,435, Applicant identified that the limitation of claim 2 ("wherein said direct link is closed after said communication is delivered") is supported at col. 3, line 63 to col. 4, line 14 and col. 5, lines 49-63 of the '435 patent.

These portions are cited below:

The discovery machine 10 serves as the traffic manager. By connecting a client machine 6 to a discovery machine 10, and a server machine 8 to a discover machine 10, the discovery machine 10 facilitates the establishment of a direct connection between the client machine 6 and the server machine 8. All communications between the various machines take place over the network 14.

The simplest example of the registration/connection process is between a single set of discovery, client and server machines and will now be described. User 2 operates in an environment 4, hosted on client machine 6. Both user 2 and environment 4 register (through client machine 6) with discovery machine 10, using registration connection R1 12 via network 14. Discovery machine 10 then registers server 8 using registration connection R2 16, also via network 14. The registration process is completed by discovery machine 10 by sending out registration connection R3 16 to client 6 and server 8 sends out registration connection R4 18 to discovery machine 10, again via network 14.

If the person is not currently online/registered, the proper type of delivery is determined at operation 90. If the person is online and accepting messages/information, an acknowledgement for online mode is sent at operation 92. The transport is initialized at operation 94 and a test message is sent at operation 96. If an acknowledgement is received at operation 98, the information is added to the recipient's cache at operation 100. Operational control is then passed to operation 84. If no acknowledgement of the test message is received, the request fails at operation 102 and control returns to operation 84.

(28) Referring back to type operation 90, if the person is online but not accepting messages, the information is queued and an acknowledgement identification request is sent for queue mode at operation 104.

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None of these portions of patent '435 suggest that a session is not a communication. Furthermore, one of ordinary skill in the art would not interpret a "communication" as being separate from a session, because a "communication" is a broad term that merely suggests a process of sending information between two parties. The aforementioned portions of the '435 patent support such a broad interpretation. Hence, contrary to Applicant's allegations, both Gray and Aravamudan suggest the limitation of claim 2.

Regarding Applicant's argument that Gray does not disclose the limitation "determining by a discovery machine whether a first user associated with a first client machine will accept a communication by a second user associated with a second client machine," (see Remarks, pg. 14) this argument is not persuasive because Gray discloses that before a direct link can be established between the originating unit and the receiving unit, the receiving unit must publish its network address with the address location service. See col. 5:11-30. The receiving unit of Gray cannot accept the communication by the originating unit if it does not publish its network address. A receiving unit may not publish its network address for several reasons, such as: it does not wish to communicate, it is not accessible, the receiver cannot access the address location service, etc. Further note that this limitation in the claim is broadly construed in view of Applicant's remarks on pg. 11 of the amendment filed on 10/13/09.

Regarding Applicant's argument that Aravamudan does not suggest the limitation of "establishing a direct link," this argument is not persuasive in view of the broad scope of

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the limitation. Applicant is reminded that claim 1 provides direct evidence of the scope of this limitation. In particular, claim 1 defines "said direct link is configured such that said communication is not delivered through said discovery machine." Contrary to Applicant's arguments, Aravamudan clearly discloses such a feature: for a highest priority "buddy", if the user is online via a user CPE, then the users' proxy is registered as off-line; furthermore, information is forward to the buddy to enable the buddy to determine the appropriate means and method for contacting the user. See col. 10, lines 58-61. Because the proxy is registered off-line, communication between the buddy and the user is made via a link that bypasses the proxy, which is located at the CSP. For this reason, Applicant's arguments are not persuasive.

With respect to the subject matter of claim 33-38, 41 and 42, Applicant's arguments are based on a similar rationale as the arguments for claims 1-5, 8-10, 12 and 13 (i.e. a session is not a communication); hence, these arguments are not persuasive for the same reasons stated above.

Regarding applicant's argument that Fernando does not disclose the limitation "wherein at least one of said first client machine or said second client machine maintains a plurality of contact information" as defined in claim 38 (see Remarks, pg. 18), this argument is not persuasive. On col. 4, lines 20-23, Fernando discloses the peer devices as IM clients communicating via an IM server. Implicit in this arrangement is a plurality of contact information managed by at least one of these clients.

With respect to the subject matter of claim 47, Applicant's arguments are similar to the arguments presented above; hence, these arguments are not persuasive for the same reasons stated above.

Furthermore, with respect to the subject matter of claim 48, Applicant asserts that the rejection is improper because Aravamudan does not disclose that "IM services and e-mail services store and display prior communications." See Remarks, pg. 19. The rejection on pg. 9 of the Office action mailed on 11/16/09 states a well-recognized feature of IM services and e-mail services – i.e. IM messages and e-mails incorporate prior communications in its messages. Hence, this feature defined in the claims is not novel.

For the aforementioned reasons, the claims remain rejected under the prior art of record.

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